



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, April 13, 2009

Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn

Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Matt Kuhn
Commissioner Steve Mulroy
Commissioner Mike Ritz

4/13/2009 9:33 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Pastor Gary Faulkner, Sr.
Cummings Street Missionary Baptist
Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Ordinances

CHISM

Chairman, Law
Enforcement
Committee

1. **ORDINANCE - FIRST READING - An Ordinance by the Shelby County Board of Commissioners amending the Shelby County Fire Code, as adopted by the Shelby County Board of Commissioners in Ordinance # 251 on September 10, 2001, so as to make certain changes as hereinafter set out and establish an effective date therefore. Ordinance sponsored by Commissioner Chism. (AMENDED IN COMMITTEE 4/8/09)**

FORD

Chairman, General
Government
Committee

2. **ORDINANCE - FIRST READING - An Ordinance to amend the Shelby County Code of Ordinances, Chapter 12.5, Article II, Sections 12.5-51 to 12.5-63, entitled "Code of Ethics." Sponsored by Commissioner Mike Ritz. (AMENDED IN COMMITTEE 4/8/09)**

FORD

Chairman, General
Government
Committee

3. **ORDINANCE - FIRST READING - An Ordinance to amend the Shelby County Code of Ordinances, Chapter 12, Article II, Section 12-26 to 12-66 relative to the regulation of the Civil Service Merit System. Sponsored by Commissioner Mike Carpenter. (AMENDED IN COMMITTEE 4/8/09)**

FORD

Chairman, General
Government
Committee

4. **ORDINANCE - FIRST READING - An ordinance to amend the Shelby County Code of Ordinances by enacting a new prevailing wage ordinance that requires compliance with prevailing wages and benefits and provides for a means of enforcement, penalties, and sanctions for violations. Sponsored by Commissioner Steve Mulroy.**

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

BUNKER

Chairman, Public
Works Committee

5. A resolution approving a contract in the amount of \$105,000.00 with AFRAM Corporation for design services for the replacement of the Ward Road bridge and approaches over Big Creek Drainage Canal and this item requires an expenditure of State Gas Tax Funds in the amount of \$105,000.00. Sponsored by Commissioner Wyatt Bunker.

CHISM

Chairman, Law
Enforcement
Committee

6. A resolution approving a contract and amending the FY 2009 Operating Budget and Position Control Budget in the amount of \$160,000.00 for the Shelby County Office of Preparedness to accept a grant from the Interoperable Emergency Communications Grant Program (IECGP) in the amount of \$160,000.00, to appropriate said funds, and to approve a grant contract for same and this item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \$160,000.00 sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

7. A resolution amending the FY 2009 Operating Budget in the amount of \$1,840 for the Shelby County Office of Preparedness to fully expend funds from the 2007 Urban Area Security Initiative (UASI) Grant Program. This item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Program in the amount of \$1,840.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

8. Resolution amending the FY 2008-2009 Operating Budget of the Shelby County Drug Court "Mothers At Risk" grant to provide adjustments to salary and benefits in the amount of \$1,120.00 and to accept a private donation from the Shelby County Drug Court Support Foundation in the amount of \$1,120.00 to increase revenue in Account 545-700502-4259. Sponsored by Commissioner Sidney Chism.

HARVEY

Chairman, Economic
Development
Committee

9. Resolution declaring the intent of the Shelby County Board of Commissioners to donate the County's interest in the Mid-South Coliseum arena and the Liberty Bowl real property to the City of Memphis without monetary consideration; requesting the County Mayor's administration seek to facilitate said donation; and authorizing the County Mayor to execute quit claim deeds and other necessary documents. Sponsored by Commissioner Mike Ritz. (WITHDRAWN IN COMMITTEE 4/8/09)

HARVEY

Chairman, Economic
Development
Committee

10. Resolution declaring the intent of the Shelby County Board of Commissioners to endorse the use of Federal economic stimulus money earmarked to Shelby County Government for buying materials, goods, and services that are produced in the United States, and encouraging all entities of Shelby County Government to use said monies to purchase such materials, goods, and services whenever possible. Sponsored by Commissioner James Harvey, Sr.

MULROY
Chairman, Core City
Committee

11. [Resolution approving a complaint against mortgage lending institutions who have participated in unlawful, irresponsible, unfair, deceptive, and discriminatory lending practices as required by a resolution adopted as item no. 25 on December 22, 2008; and authorizing the County Mayor to engage outside counsel on a contingency fee basis, to engage a non-profit organization that provides legal services, and to provide in-kind services to, and pay a portion of the reasonable fees, costs and expenses incurred by, said not-profit organization if necessary. Sponsored by Commissioner J. W. Gibson, II. \(DEFERRED TO 4/27/09\)](#)

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

FORD
Chairman, General
Government
Committee

12. [Resolution amending previously adopted Resolution Number Fourteen \(14\) adopted September 22, 2008 entitled "Resolution approving the appointments to various boards and commissions for 2008/2009 by the Chairman of the Shelby County Board of Commissioners", by appointing Commissioner Steve Mulroy to the Shelby Farms Park Conservancy Board and Commissioner Matt Kuhn to the Agricenter Commission. Sponsored by Chairman Deidre Malone.](#)

FORD
Chairman, General
Government
Committee

13. [Resolution reappointing Scott Peatross as Public Administrator of the Shelby County Probate Court. Sponsored by Commissioner Joe Ford.](#)

Ordinances

Zoning and Subdivisions

**Reports and/or Resolutions for Standing
Committees**

GIBSON
Chairman, Budget and
Finance Committee

14. Resolution requiring the layoff of 100 General Fund employees on or before June 30, 2009 in accordance with the Civil Service Merit Act's layoff procedures. Sponsored by Commissioner J. W. Gibson. (DEFERRED TO 4/27/08)

GIBSON
Chairman, Budget and
Finance Committee

15. Resolution approving the change in status of Judicial Commissioner, Damita Dandridge's position from part-time Judicial Commissioner to full time Judicial Commissioner. Sponsored by Commissioner Sidney Chism.

BUNKER
Chairman, Public
Works Committee

16. A resolution approving Amendment No. 8 to Contract No. CA992518 with Fisher & Arnold, Inc. for environmental and design services for Fite Road from U.S. Highway 51 to Woodstock Boulevard and a bridge over the CNIC Railroad and approving the use of previously appropriated federal through state funding and local matching funds for the SAID Amendment No. 8. This item requires an expenditure of County CIP Funds in the amount of \$68,000.00 with eighty percent (80%) of the total cost (\$54,400.00) to be reimbursed with federal grant funds from the Tennessee Department of Transportation. Sponsored by Commissioner Wyatt Bunker.

BUNKER
Chairman, Public
Works Committee

17. Resolution requesting the County Mayor to work with the town of Collierville to make the Cotton Creek sewer system a gravity system or, in the alternative, to terminate the Cotton Creek sewer project by joint agreement with the Town of Collierville and terminate the supporting contracts with AFRAM and Spring Creek Ranch, LLC; and authorizing the County Mayor to sign any and all documents necessary to effectuate same. Sponsored by Commissioner Mike Ritz. (FAILED IN COMMITTEE 4/8/09)

FLINN

Chairman, Community
Services Committee

18. Resolution to amend the FY 2009 Operating Budget to increase grant funds from the U. S. Department of Health and Human Services for the 2009 Ryan White Comprehensive AIDS Resources Emergency Act HIV Relief Grant Program Part A (CARE Act) grant fund in the amount of \$2,143,395.00. Resolution approves contract amendment pursuant thereto increasing encumbrance in the amount of \$1,659,714.00 with United Way of the Mid-South for administrative costs and service provider contracts for the purpose of administering HIV Emergency Relief Project grants for the period of April 1, 2009 – February 28, 2010. This item requires expenditure of federal grant funds in the amount of \$2,143,395.00. Sponsored by Commissioner George Flinn.

Announcements/Statements

19. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of the Honorable John Fowlkes for appointment to the Shelby County Public Records Commission. Sponsored by Commissioner Joe Ford.

Adjournment

20. Resolution of adjournment to Monday, April 27, 2009 at 1:30 p.m.